



# The Florida House of Representatives

**Chris Sprowls**  
**Speaker**

## NEWS RELEASE

**For Immediate Release:**  
February 8, 2021

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### **Representative Josie Tomkow Files DNA Theft Legislation: “There will be Serious Criminal Penalties in Florida for These Actions”**

**TALLAHASSEE, Fla.** (*February 8, 2021*) – Today, Representative Josie Tomkow, R-Polk City, filed HB 833 to protect Floridians from bad actors looking to steal DNA to test or distribute results without authorization.

“The issue of DNA theft is multifaceted, and this legislation is a first step this Session to deter individuals and others who might steal DNA to get access to your most personal and private information – and then use that against you,” said Representative Tomkow. “This legislation applies to public and private entities as well as individuals. There will be serious criminal penalties in Florida for these actions. It will not be tolerated.”

The legislation prohibits a person from collecting another person’s DNA sample with the intent to perform DNA analysis. Under the bill, public and private entities, as well as individuals, will need the informed and written consent of the person whose DNA is to be taken or analyzed, or the informed and written consent of the person's legal guardian. There is a specific exemption of the collection of DNA for the purpose of establishing paternity in child custody cases.

The bill creates the following criminal penalties for each instance of unlawful collection or retention, submission or analysis, or disclosure:

- 1st degree misdemeanor, up to one year in jail and \$1,000 fine for collecting or retaining another person's DNA sample with the intent to perform DNA analysis
- 3rd degree felony, up to five years imprisonment and \$5,000 fine for submitting a DNA sample of another person for DNA analysis or conducting the analysis
- 3rd degree felony, up to five years imprisonment and \$5,000 fine for disclosing another person's DNA analysis results to a third party



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In June 2020, Florida became the first state in the nation to enact a DNA privacy law, legislation that was sponsored last session by Speaker Sprowls before he assumed leadership of the Florida House. The law prohibits insurance companies from using genetic tests for coverage decisions.

“Last year, we fought to protect Floridians from their health insurance providers by preventing providers from taking your DNA results and using them against you for coverage or any other reason,” said Florida House Speaker Chris Sprowls, R-Palm Harbor. “This is the next vital step to protect our residents’ privacy. Representative Tomkow’s bill puts bad actors on notice: If you try to steal or share DNA in Florida, you will face the consequences.”

Regarding HB 833, Representative Daniel Perez, R-Miami, Chairman of the House Judiciary Committee, said, “The last thing Floridians need is worrying about their DNA being stolen and used against them. This legislation will protect someone’s most personal and private information. The House Judiciary Committee will act swiftly on this measure to help get it to the Floor.”

Senator Ray Rodrigues, R-Estero, today filed identical legislation in the Florida Senate. He said, “I’m proud to sponsor this legislation in the Senate that will help take DNA privacy protections a step further in our state. Collection and testing of someone else’s genetic data without consent is a cutting-edge problem that this bill will solve in the state of Florida.”

The Florida Legislative Session begins March 2, 2021. View and follow HB 833 at [www.myfloridahouse.gov](http://www.myfloridahouse.gov).

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